

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

In Re:)	
)	NO. 15 B 36825
SHELDON WILLIAMS,)	
)	
)	Chapter 13
Debtors.)	
)	
)	Honorable Judge Jack B. Schmetterer
)	

NOTICE OF MOTION

TO: See attached Service List

PLEASE TAKE NOTICE that on May 11, 2016 at 9:30 a.m., the undersigned will appear before the Honorable Judge Jack B. Schmetterer at **the Dirksen Federal Building, 219 S. Dearborn, Room 682, Chicago, Illinois, 60604** and will then and there present the attached **AGREED MOTION TO MODIFY THE AUTOMATIC STAY AS TO FAIR DEAL OF ILLINOIS, INC AS TO 14535 S. MANISTEE AVENUE, 1A, BURNHAM, ILLINOIS 60633 PIN 30-06-309-035-1025**, at which time you may appear if you so choose.

Certificate of Service

I, Paul Bach, hereby certify that I caused a copy of this notice to be served by the method stated on the attached service list upon the above parties on May 2, 2016 before the hour of 5:00 p.m. from the office located at 900 Jorie Blvd., Ste 150, Oak Brook, IL 60523.

BY: /S/ PAUL M. BACH
SULAIMAN LAW GROUP, LTD.
COUNSEL FOR DEBTOR(S)
900 JORIE BOULEVARD, SUITE 150
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PHONE: (630) 575-8181
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ATTORNEY No: 6209530

Service List

Tom Vaughn, Chapter 13 Trustee
55 E. Monroe Street, Suite 3850
Chicago, IL 60603

VIA ECF ELECTRONIC DELIVERY

Sheldon A. Williams
8922 S Blackstone Avenue
Chicago, IL 60619

VIA FIRST CLASS US MAIL

William T Neary
Office of the U.S. Trustee, Region 11
219 S Dearborn St
Room 873
Chicago, IL 60604

VIA ECF ELECTRONIC DELIVERY

Sachin P. Shah
Chuhak & Tecson, P.C.
30 S. Wacker Dr., #2600
Chicago, IL 60606

VIA FIRST CLASS US MAIL

Chuhak & Tecson, P.C.
C/O RA Andrew P. Tecson
30 South Wacker Drive, Suite 2600
Chicago, Illinois 60606

VIA FIRST CLASS US MAIL

Gregory M. Reiter
Fair Deal of Illinois, Inc.
30 S. Wacker Drive, Suite 1710
Chicago, Illinois 60606
(312) 368-9910

VIA FIRST CLASS US MAIL

**IN THE UNITED STATES BANKRUPTCY COURT
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In Re:)	
)	NO. 15 B 36825
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**AGREED MOTION TO MODIFY THE AUTOMATIC STAY AS TO FAIR DEAL
OF ILLINOIS, INC AS TO 14535 S. MANISTEE AVENUE, 1A, BURNHAM,
ILLINOIS 60633 PIN 30-06-309-035-1025**

NOW COMES the Debtor, SHELDON WILLIAMS ("Debtor"), by and through his attorneys Paul M. Bach and Penelope N. Bach, and FAIR DEAL OF ILLINOIS, INC. ("FAIR DEAL") and pursuant to an agreement jointly request an order of this Court modifying the Automatic Stay as to Fair Deal of Illinois as to 14535 S. Manistee Avenue, 1A, Burnham, Illinois 60633 and in support thereof represents to the Court as follows:

1. The Debtor listed on Schedule A of his Bankruptcy Schedules an ownership interest in the real estate commonly known as 14535 S. Manistee Avenue, 1A, Burnham, Illinois 60633 with Property Identification Number ("PIN") of 30-06-309-035-1025.

2. On September 13, 2012, Fair Deal of Illinois, Inc. purchased the 2010 General Real Estate Taxes for PIN 30-06-309-035-1025 and paid a total of \$1,084.76.
See Certificate of Purchase attached as an Exhibit A to this Motion.
3. Since the purchase of the 2010 General Real Estate Taxes, additional amounts have been advanced by Fair Deal such that as of the date of the filing of the petition Fair Deal was owed \$13,718.58 plus 18% going forward.
4. On August 25, 2014, Fair Deal of Illinois, Inc. filed a Petition for Tax Deed in the Circuit Court of Cook County, County Division which was given case number 2014 COTD 002522.
5. The Debtor has been previously served with the Petition for Tax Deed.
6. On February 6, 2015, the time for redemption for the tax sale expired.
7. The Seventh Circuit Court of Appeals has stated that a Debtor may pay delinquent real estate taxes such as are at issue in this case as long as the redemption date had not expired prior to the filing of the bankruptcy case. *In Re Lamont*, 740 F.3d 397 (7th Cir. 2014). In the case at bar however, the redemption date has expired but tax deed has not been issued.
8. Hence, the Debtor cannot confirm a Plan of Reorganization in this case which contains provisions that allows the Debtor to pay the past due real estate taxes for 14535 S. Manistee Avenue, 1A, Burnham, Illinois 60633.
9. The Debtor and Fair Deal have agreed that once the tax deed is issued that the Debtor will purchase 14535 S. Manistee Avenue, 1A, Burnham, Illinois 60633

from Fair Deal of Illinois, Inc. for \$40,000.00. This purchase is contemplated in the Debtor's Chapter 13 Plan.

10. That there is cause to modify the stay based on passing of the redemption date prior to the filing of this bankruptcy case.

11. Pursuant to 11 U.S.C. Section 362 ...

(d) On request of a party in interest and after notice and hearing, the court shall grant relief from the stay provided under subsection (a) of this section, such as by terminating, annulling, modifying, or conditioning such stay—

(1) For cause, including the lack of adequate protection of an interest in property of such party in interest; or

(2) With respect to a stay, of an act against property under subsection (a) of this section, if—

(A) the Debtor does not have an equity in such property; and

(B) such property is not necessary to an effective reorganization.

12. That the creditor requests and the Court should order that the fourteen day stay provided for by Bankruptcy Rule 4001(a)(3) should not apply as to Creditor.

WHEREFORE, SHELDON WILLIAMS and FAIR DEAL OF ILLINOIS, INC. ask this Honorable Court to enter an order modifying the automatic stay as to permit, FAIR DEAL OF ILLINOIS, INC. to proceed pursuant to non-bankruptcy law as to 14535 S. Manistee Avenue, 1A, Burnham, Illinois 60633 with Property Identification Number ("PIN") of 30-06-309-035-1025 and find that Bankruptcy Rule 4001(a)(3) is not applicable and further relief as is just and equitable.

Dated: May 2, 2016

Respectfully Submitted,

/s/ Paul M. Bach

Paul M. Bach, Esq. ARDC#6209530
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/s/Gregory M. Reiter

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